

**GATEWAY OMNISERV DIGITAL EXCHANGE SERVICE****11. GATEWAY OMNISERV DIGITAL EXCHANGE SERVICE - (Continued)****11.3 Rate Elements and Pricing - (Continued)****11.3.1 Following are the Non-recurring and Monthly Charges for Omniserv service: (Continued)**

	<u>Non-Recurring</u>	<u>Monthly Charges</u>
e) Activation of each channel	N/C	\$15.00

**11.4 Discounts and Optional Payment Plans****11.4.1 Two-year contract - 10% Discount on monthly service****11.4.2 Three-year Contract - 15% Discount on monthly service****11.4.3 Five-year Contract - Non-recurring is waived and 25% discount on monthly service.**

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**ISSUED: August 8, 1996****EFFECTIVE: October 8, 1996**

**By: D. Craig Young, President  
425 Woods Mill Road, Ste. 300  
Town & Country, MO 63017**

## INTEGRATED SERVICE DIGITAL NETWORK - ISDN

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**INTEGRATED SERVICE DIGITAL NETWORK - ISDN****12. Integrated Service Digital Network - ISDN****A. Integrated Service Digital Network (ISDN) - Basic Rate Interface (BRI)****12.1 Description**

ISDN-BRI service provides 2B+D switched access to the public switched network for the transmission of circuit switched voice, circuit switched data and packet switched data on an incoming and outgoing basis. It provides a customer with the ability to integrate current voice and data channel services utilizing Gateway S1 Basic Business Line Service

Circuit Switched Voice provides the ability to originate and receive switched voice calls over a 64 Kbps channel.

Circuit Switched Data provides the ability to originate and receive circuit switched data calls over a 64 Kbps channel.

BRI lines have two 64Kbps B channels. Each channel can have a separate phone number that can be used as a regular phone line, or the two B channels can be combined to create a single, higher bandwidth channel.

**12.2 General Regulations**

12.2.1 BRI has one 16 Kbps data or D channel used primarily for signaling and data transmission.

12.2.2 ISDN-BRI is furnished to customers at the rates and charges, following.

12.2.3 Rates and Charges for other optional features are in addition to those for ISDN-BRI service.

**12.3 ISDN - BRI Basic Service provides the following standard features:**

- a) National ISDN Standard
- b) 2B+D channels
- c) 2B channels support Circuit Switched Voice and/or Circuit Switched Data and one D channel supports signaling and/or Packet Switched Data.
- d) Multi-point DSL

**12.3.1 Optional features include:**

- a) X.25 on D channel
- b) 56/64 Kbps X.25 on B channel

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**INTEGRATED SERVICE DIGITAL NETWORK - ISDN****12. Integrated Service Digital Network - ISDN - (Continued)****A. Integrated Service Digital Network (ISDN) - Basic Rate Interface (BRI) - (Continued)****12.4 ISDN -BRI for Home Office, Small Business is available with the following standard features:**

- a) 2B+D Channel
- b) National ISDN Standard
- c) 56/64/112/128 Kbps Dialed Data
- d) Simultaneous Voice-Data Calling
- e) Call Forwarding - Variable (1)
- f) Call Forwarding - Busy (1)
- g) Call Forwarding - Don't Answer (1)
- h) Touch-Tone
- i) Voice-Data Protection (1)
- j) 3-Way Conference Calling (1)
- k) Separate Signaling Channel
- l) Customer changeable Speed Calling (1)
- m) Multi-button Key Set Capability
- n) Multi-point DSL

**12.4.1 Optional Features offered with Home Office, Small Business ISDN includes:**

- a) Multiple Directory Numbers
- b) X.25 on D Channel
- c) X.25 on B Channel

**12.4.2 Security Package offered with Home Office, Small Business ISDN includes:**

- a) Call Forwarding - Variable
- b) Remote Activation of Call Forwarding
- c) Call Trace

**B. Integrated Service Digital Network (ISDN) - Primary Rate Interface (PRI)****12.1 Description**

ISDN-PRI service provides 23B+D (twenty three 64 Kbps B channels and a 64 Kbps data channel) access on a DSX-1 interface.

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<sup>(1)</sup> Refer to Section 1, Definitions

**INTEGRATED SERVICE DIGITAL NETWORK - ISDN****12. Integrated Service Digital Network - ISDN - (Continued)****B. Integrated Service Digital Network (ISDN) - Primary Rate Interface (PRI) - (Continued)****12.2 Efficiency Package for ISDN -PRI includes:**

- a) Non-Facility Associated signaling
- b) D-Channel Backup
- c) Associated 24 Channel PRI

**C. Payment Plans**

12.1 The ISDN-BRI and ISDN-PRI payment plan offers the customer two options for payment, as follows:

**12.1.1 Fixed Monthly Rate Plan**

Under this plan the customer pays a fixed monthly rate for a specified contract term. The customer may choose a 1, 2, 3, 4, or 5 year contract. During the course of the contract, fixed rates (recurring and non-recurring) are not subject to Company initiated rate changes.

**12.1.2. Month-to-Month Plan**

Under this plan the customer elects to pay month-to-month. Month-to-month rates (recurring and non-recurring) are subject to Company initiated rate changes.

**D. The following rates apply: <sup>(3)</sup>**

	Non Recurring	Non- Recurring (Changes) <sup>(4)</sup>	Month to Month	1 Year	2 Year	3 Year	4 Year	5 Year
<b>ISDN-BRI</b>								
<b>Data Only</b>								
<sup>(1)</sup>								
Measured <sup>(2)</sup>	\$85.00	\$20.00	\$40.00	\$37.60	\$36.80	\$36.00	\$35.20	\$34.40
Flat Rate	\$85.00	\$20.00	\$75.00	\$70.50	\$69.00	\$67.50	\$66.00	\$64.50
Optional Features								
X.25 (D chnl) <sup>(1)</sup>	\$20.00	\$150.00	\$5.00	\$4.70	\$4.60	\$4.50	\$4.40	\$4.30
56/64 Kbps								
X.25 (B chnl) <sup>(1)</sup>	\$150.00	\$65.00	\$35.00	\$32.90	\$32.20	\$31.50	\$30.80	\$30.10

<sup>(3)</sup> Service Connection Charges apply, as specified in Section 3, Service Connection Charges

<sup>(1)</sup> Non-recurring and monthly rates apply, per line

<sup>(4)</sup> A \$35 non-recurring change charge applies for 2B+D on U Interface feature.

<sup>(2)</sup> Usage rates apply, as specified in Section 4, Local Exchange Services

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## INTEGRATED SERVICE DIGITAL NETWORK - ISDN

D. The following rates apply: (Continued) <sup>(3)</sup>

	Non Recurring	Non- Recurring (Changes)	Month to Month	1 Year	2 Year	3 Year	4 Year	5 Year
Home Ofc, Sm Bus-ISDN-BRI <sup>(1)</sup>		<sup>(4)</sup>						
Measured <sup>(2)</sup>	\$85.00		\$52.00	\$48.90	\$47.85	\$46.80	\$45.80	\$44.75
Flat Rate	\$85.00		\$80.00	\$75.20	\$73.60	\$72.00	\$70.40	\$68.80
Optional Features Multiple Directory Numbers	\$15.00	\$25.00	\$1.00	\$ .95	\$ .95	\$ .90	\$ .90	\$ .90
X.25 (D chnl) <sup>(1)</sup>	\$20.00	\$35.00	\$5.00	\$4.70	\$4.60	\$4.50	\$4.40	\$4.30
X.25 (B chnl) <sup>(1)</sup>	\$150.00	\$35.00	\$35.00	\$32.90	\$32.20	\$31.50	\$30.80	\$30.10
Security Package <sup>(1)</sup>	N/C	\$25.00	\$3.50	\$3.30	\$3.25	\$3.15	\$3.10	\$3.00
<b>ISDN-PRI</b>								
<b>Data Only</b>								
Measured <sup>(2)</sup>	\$3,000.00		\$425.00	\$399.50	\$391.00	\$382.50	\$374.00	\$365.50
Flat Rate	\$3,000.00		\$1,750.00	\$1645.00	\$1610.00	\$1575.00	\$1540.00	\$1505.00
Efficiency Package <sup>(1)</sup>	\$ 180.00	\$35.00	\$225.00	\$211.50	\$207.00	\$202.50	\$198.00	\$193.50

<sup>(3)</sup> Service Connection Charges apply, as specified in Section 3, Service Connection Charges<sup>(4)</sup> A \$35 non-recurring change charge applies for Multi Button Key Set Capability feature.<sup>(2)</sup> Usage rates apply, as specified in Section 4, Local Exchange Services. A usage package must be selected.<sup>(1)</sup> Non-recurring and monthly rates apply, per line

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By: D. Craig Young, President  
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**MISCELLANEOUS SERVICES****13.1 PRESUBSCRIPTION**

- 13.1.1 Presubscription (PIC-2) allows Customers to presubscribe to their carrier of choice for InterLATA toll calls, without dialing the Access Code. The rates specified in Section 3, Service Connection Charges, will apply each time the Customer requests a change to their interLATA PIC.

**13.2 VANITY TELEPHONE NUMBER**

- 13.2.1 At the request of the Customer, the Company may assign a telephone number with the last four digits selected by the Customer. The assignment is subject to availability of a particular number and subject to the terms and conditions set forth under Section 2, Rules and Regulations, 2.1.3.

The following charges apply for Vanity Telephone Numbers: <sup>(1)</sup>

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
Gateway Services	\$22.50	\$1.00
Custom Exchange Service (CES)	N/C	\$5.00

**13.3 INDIVIDUAL CASE BASIS****13.3.1 Individual Case Basis Arrangements**

Arrangements will be developed on a case-by-case basis in response to a bona fide request from a Customer or prospective Customer to develop a competitive bid for a service not generally offered under this tariff. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis. ICB arrangements will be made available for inspection by the Commission upon request.

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<sup>(1)</sup> Charges apply, per number.



**MISCELLANEOUS SERVICES****13.4 SPECIAL CONSTRUCTION****13.4.1 Basis for Charges**

Where the Company furnishes a facility or service for which a rate or charge is not specified in the Company's tariffs, charges will be based on the costs incurred by the Company and may include: (1) non-recurring type charges; (2) recurring type charges; (3) termination liabilities; or (4) combinations thereof.

**13.4.2 Basis for Cost Computation**

The costs referred to in 13.6.1, above, may include one or more of the following items to the extent they are applicable:

- a) Cost installed of the facilities to be provided including estimated costs for the rearrangements of existing facilities. Cost installed includes the cost of:
  - 1. equipment and materials provided or used,
  - 2. engineering, labor and supervision,
  - 3. transportation, and
  - 4. rights of way;
- b) cost of maintenance;
- c) depreciation on the estimated cost installed of any facilities provided, based on the anticipated useful service life of the facilities with an appropriate allowance for the estimated net salvage;
- d) administration, taxes and uncollectible revenue on the basis of reasonable average costs for these items;
- e) license preparation, processing and related fees;
- f) tariff preparation, processing and related fees;
- g) any other identifiable costs related to the facilities provided; or
- h) an amount for return and contingencies.

**13.4.3 Termination Liability**

To the extent that there is no other requirement for use by the Company, a termination liability may apply for facilities specially constructed at the request of the Customer.

13.4.3.1 The termination period is the estimated service life of the facilities provided.

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**MISCELLANEOUS SERVICES**

**13.4 SPECIAL CONSTRUCTION - (Continued)**

**13.4.3 Termination Liability -(Continued)**

13.4.3.2 The amount of the maximum termination liability is equal to sixty-five percent (65%) the estimated amounts for:

1. Cost installed of the facilities provided including estimated costs for arrangements of existing facilities and/or construction of new facilities as appropriate, less net salvage. Cost installed includes the cost of:

- a) equipment and materials provided or used,
- b) engineering, labor and supervision,
- c) transportation, and
- d) rights of way;

2. license preparation, processing, and related fees;

3. tariff preparation, processing, and related fees;

4. cost of removal and restoration, where appropriate; and

5. any other identifiable costs related to the specially constructed or rearranged facilities.

13.4.3.3 The applicable liability method for calculating the unpaid balance of a term obligation is obtained by multiplying the sum of the amounts determined as set forth above by a factor related to the unexpired period of liability and the discount rate for return and contingencies. The amount determined pursuant to the above paragraphs shall be adjusted to reflect the redetermined estimate net salvage, including any reuse of the facilities provided. This product is adjusted to reflect applicable taxes.

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## 13.5 TEMPORARY PROMOTIONAL PROGRAMS

- 13.5.1 The Company may establish temporary promotional programs wherein it may waive or reduce non-recurring charges, to introduce present or potential Customers to a service not previously received by the Customers. All such rates will be submitted to the PUC for approval. Promotional offerings are intended to be limited duration programs which are beneficial to customers, and are not intended to replace the Company's obligations to seek approval of permanent rates and charges. The company shall notify the director of the Public Utility Division by letter specifying the service(s) offered, terms of the promotion, location and dates of each promotion. Such notice shall be provided 30 days prior to the initial offering of the campaign. Any promotional campaign found not to be in the best interest of the end-user(s) shall be rejected by the Director of the Public Utility Division and returned to the Company with a brief explanation of the reason for the rejection.

## 13.6 NUMBER RETENTION

The following charge applies whenever a customer requests to retain a telephone number.

	<u>Recurring Charge</u>
Number retention, per telephone number	\$1.25

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**OPERATOR SERVICES**

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## OPERATOR SERVICES

### 14. OPERATOR SERVICES

#### 14.1 Directory Assistance

A customer may obtain Directory Assistance in determining telephone numbers within its local calling area by calling the Directory Assistance operator.

- 14.1.1 The Customer will be allowed to make up to 5 calls per month to Directory Assistance at no charge. Each call to Directory Assistance thereafter will be charged as follows:

Per Call  
\$0.25

- 14.1.2 The Customer may request a maximum of two telephone number per call to Directory Assistance service.

- 14.1.3 A credit will be given for calls to Directory Assistance under the following circumstances:

- a) The Customer experiences poor transmission or is cut-off during the Call; or
- b) The Customer is given an incorrect telephone number.

- 14.1.4 To obtain a credit, as identified under 14.1.3 above, the Customer must notify its Customer Service representative.

- 14.1.5 In addition to the five call allowance, each customer shall be allowed one direct dialed long distance directory assistance call within their home NPA FOR EACH direct dialed home NPA long distance call appearing on the customer's bill.

- 14.1.6 No charges shall apply to calls to Directory Assistance made by end-users placed from patient rooms at medical hospitals.

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## 14.2 Operator Assistance

14.2.1 A customer may obtain the assistance of a local operator to complete local exchange telephone calls in the following manner: <sup>(1)</sup>

- a) Third Number Billing: Provides the Customer with the capability to charge a local call to a third number which is different from the called or calling party. The party answering at the third number has the option to refuse acceptance of the charges in advance or when queried by the operator.
- b) Collect Calls: Provides the Customer with the capability to charge a call to the called party. On the operator announcement of a collect call, the called party has the option to refuse acceptance of charges in advance or when queried by the operator.
- c) Calling Cards: Provides the Customer with the capability to place a call using a calling card of an Interexchange Carrier with or without the assistance of an operator.

## 14.2 Operator Assistance - (Continued)

14.2.1 A customer may obtain the assistance of a local operator to complete local exchange telephone calls in the following manner: <sup>(1)</sup> - (Continued)

- d) Person to Person: Calls completed with the assistance of an operator to a particular Station and person specified by the caller. The call may be billed to the called party.
- e) Station to Station: Calls complete with the assistance of an operator to a particular Station. The call may be billed to the called party.
- f) General Assistance: The Customer has the option to request general information from the operator, such as dialing instruction, country or city codes, area code information and Customer Service 800 telephone numbers, but does not request the operator to complete the call.

14.2.2 Operator Assisted Surcharges

The following surcharges will be applied :

	<u>Per Call</u>
Third Number Billing	\$1.57
Collect Calling	\$1.57
Person to Person	\$2.70
Station to Station	\$1.20
General Assistance	N/C

<sup>(1)</sup> In addition, to the rates specified in Section 4, Local Exchange Services, 4.3.2, Rates, surcharges as specified under 14.2.2, also apply.

<sup>(1)</sup> In addition, to the rates specified in Section 4, Local Exchange Services, 4.3.2, Rates, surcharges as specified under 14.2.2, also apply.

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- 14.2.1 Busy Line Verification: Upon request of the calling party, the Company will determine if the line is clear of "in use" and report to the calling party.
- 14.2.2 Busy Line Verification with Interrupt: The Operator will interrupt the call on the called line only if the calling party indicates an emergency and requests interruption.
- 14.2.3 Rates: Rates for Busy Line Verification and Interrupt Service, as specified below, will apply under the following circumstances:
- a) The operator verifies that the line is busy with a call in progress.
  - b) The operator verifies that the line is available for incoming calls.

### OPERATOR SERVICES

#### 14. OPERATOR SERVICES - (Continued)

##### 14.2 Operator Assistance - (Continued)

- 14.2.3 Rates: Rates for Busy Line Verification and Interrupt Service, as specified below, will apply under the following circumstances: - (Continued)

- c) The operator verifies that the called number is busy with a call in progress and the Customer requests interruption. The operator will then interrupt the call, advising the called party the name of the calling party. The following charge will apply for both verification and interruption:

	<u>Per Request</u>
Busy Line Verification	\$1.20
Busy Line Interrupt	\$2.70

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**BEFORE THE CORPORATION COMMISSION  
OF THE STATE OF OKLAHOMA**

IN THE MATTER OF THE APPLICATION OF BROOKS	)	
FIBER COMMUNICATIONS OF OKLAHOMA, INC. FOR A	)	CAUSE NO. PUD
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	960000103
NECESSITY TO PROVIDE INTRASTATE LOCAL EXCHANGE	)	ORDER NO.
TELECOMMUNICATIONS SERVICES	)	

**404607**

HEARING: July 15 and August 22, 1996, before Robert E. Goldfield, Administrative Law Judge

APPEARANCES: J. Fred Gist and Michael D. Cooke, Attorneys  
Brooks Fiber Communications of Oklahoma, Inc.  
Robert D. Allen and O. Carey Epps, Attorneys  
AT&T Communications of the Southwest, Inc.  
Roger K. Toppins and Charles J. Scharnberg, Attorneys  
Southwestern Bell Telephone Company  
Rick Zucker, Attorney  
GTE Southwest, Incorporated  
Rick D. Chamberlain and Mickey S. Moon  
Assistant Attorneys General  
Kendall W. Parrish, Attorney  
Cable Telecommunications Operators of Oklahoma  
William J. Bullard and Kimberly K. Blaylock, Attorneys  
Cimarron, Cross, Pottawatomie, Chouteau and  
Totah Telephone Companies  
Ron Comingdeer, Attorney  
Oklahoma Rural Telephone Coalition  
CeCe Wood, Assistant General Counsel  
Public Utilities Division, Oklahoma Corporation Commission

**FINAL ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY AUTHORIZING BROOKS FIBER COMMUNICATIONS  
OF OKLAHOMA, INC. TO FURNISH LOCAL EXCHANGE  
TELECOMMUNICATION SERVICES IN THE STATE OF OKLAHOMA**

**BY THE COMMISSION:**

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of Brooks Fiber Communications of Oklahoma, Inc. ("Brooks"), for a Certificate of Public Convenience and Necessity authorizing it to offer local exchange telecommunications services in the State of Oklahoma within the Southwestern Bell local exchange areas.

**PROCEDURAL HISTORY**

On April 12, 1996, following the enactment of The Communications Act of 1996, 47 U.S.C. §§ 101, *et seq.*, Brooks filed an Application with the Commission to obtain a Certificate of



BROOKS FIBER COMMUNICATIONS OF OKLAHOMA, INC.  
CAUSE NO. PUD 960000103  
FINAL ORDER - PAGE 2

Public Convenience and Necessity to provide local exchange telecommunications services in the State of Oklahoma. Brooks also filed several motions on April 22, 1996, requesting, *inter alia*, that the Commission prescribe the notice to be given of the Application, prescribe a procedural schedule and grant a partial waiver of Brooks' local exchange tariff and service area designation filings until interconnection agreements between Brooks and Southwestern Bell Telephone Company ("SWBT"), have been negotiated and finally approved by this Commission.

A copy of the Brooks motions were served on the OCC staff, SWBT, GTE/SW, the Attorney General of the State of Oklahoma ("Attorney General"), and the Attorney who represents the Oklahoma Rural Telephone Coalition ("ORTC"). Motions to intervene, written and oral, were presented by SWBT, GTE/SW, Cimarron, Telephone Company, Cross Telephone Company, Pottawatomie Telephone Company, Chouteau Telephone Company, Totah Telephone Company, ORTC, Cable Telecommunications Operators of Oklahoma and the Attorney General. The motions to intervene were also granted, with the Intervenor being limited in their participation to issues raised by the face of the Application.

On May 9, 1996, the Commission, by Order No. 40172, determined the notice to be given of the Application, set the procedural schedule and, for good cause shown, deferred the filing of local exchange services tariffs and specific service area designations until a date not less than sixty (60) days prior to the time Brooks intends to commence providing local exchange telecommunications services in the State of Oklahoma within the Southwestern Bell Telephone local exchange areas. The specific service areas for Brooks' local exchange telecommunications services will be designated from time to time by service area descriptions filed with the Commission. The Brooks service areas designated by the Application are all of the local exchange areas presently certificated to SWBT.

The Commission has developed, and the Legislature has approved, a set of rules for the introduction of competition in the local exchange telecommunications services market. Said rules became effective on July 1, 1996. Brooks submitted its Application on April 12, 1996, and no objections to this application were filed.

On July 15, 1996, the parties appeared for the hearing on the merits. Staff noted for the record, that although the Notice of Application and Hearing had been published in the Journal Record of Oklahoma City, Oklahoma, a daily newspaper of general circulation in Oklahoma County, Oklahoma, and also in the Tulsa Daily Commerce and Legal News of Tulsa, Oklahoma, a daily newspaper of general circulation in Tulsa County, Oklahoma, Staff did not believe the publications were sufficient to meet the statutory requirement contained in 17 O.S. §132, which mandates publication in a newspaper of general circulation in each territory affected (emphasis added). Staff did not challenge the sufficiency of the Notice as to the territories in Tulsa and Oklahoma Counties, rather, the concern extended to those territories outside Tulsa and Oklahoma Counties. Despite the applicant's objections, the ALJ concurred with Staff. The ALJ then agreed to accept the publications only with respect to the territories affected in Oklahoma and Tulsa Counties, and also agreed to proceed with the hearing on the merits, with the understanding that, following the subsequent publication of Notice in a newspaper(s) with either statewide circulation, or general circulation in each of the territories affected outside the Tulsa and Oklahoma Counties, the applicant would agree to appear and make its witnesses available and subject to cross-examination, should it be necessary. Finally, the ALJ established a second hearing date of August 22, 1996, for purposes of the subsequent publication of an amended notice, and noted that should no objections be filed by August 15, 1996, the Court would rely on the testimony presented by the parties present at the July 15, hearing, and would proceed to issue its Final Order on the merits. Following a brief hearing before the ALJ, during which the Applicant presented testimony in support of this application, the cause was continued to August 22, 1996.

On August 22, 1996, in accordance with the Amended Notice, this cause was reopened before the Administrative Law Judge and the applicant submitted publishers' affidavits evidencing proper publication of said Amended Notice in two (2) newspapers with statewide circulation, in accordance with the recommendations of the ALJ.

SUMMARY OF TESTIMONY

Edward J. Cadieux, Director, Regulatory Affairs for Brooks, testified on behalf of the Applicant. He authenticated his pre-filed testimony, and testified that the Application and its attachment are true and correct to the best of his knowledge. He further testified that Brooks currently is certified to provide intrastate dedicated special and private line services in the State of Oklahoma. The purpose of the above entitled Application is to request Commission approval for Brooks to provide intrastate, switched local exchange telecommunication services in the exchanges served by SWBT in the State of Oklahoma. In the event Brooks decides to expand its services into areas served by an independent telephone company, Brooks will file an application to expand its service area. BFC of Oklahoma intends to offer all forms of switched intrastate services, in addition to the special access/private line services which it already offers, both on an intrastate and interstate basis. Most notably, this includes switched local exchange (i.e., "dialtone") service. It would also include various services which are ancillary to local exchange service -- e.g., custom calling and "CLASS" type services, and Centrex-type services, switched access services and resold toll services. If, and to the extent that the BFC companies provide resold toll services in Oklahoma, they will comply with any applicable requirements under the Commission's orders related to the "High Cost Fund". Further, he testified that Brooks has substantial experience in the telecommunications industry, evidenced by its current operations, and that a review of the documents submitted will confirm that Brooks clearly possesses the technical, managerial and financial resources to provide local exchange telecommunication service. Mr. Cadieux confirmed that Brooks intends to comply with all state and federal rules and regulations.

Christopher E. Hugman, General Manager of Brooks Fiber Communications of Oklahoma, Inc., described the company's operations in the Oklahoma City area, and testified in support of the application. Mr. Hugman stated that BFC's Oklahoma City operating network currently exceeds 30 route miles throughout the metropolitan area with projected expansion of an additional 15 miles by year end 1996. This network serves portions of the downtown, northern, northwestern, and southern parts of Oklahoma City. This network is designed for maximum reliability using top quality, state of

the art SONET electronics and diverse routing as a standard feature of our network services. Brooks is currently providing special access/private line services for the major DXC's as well as many end users in the Oklahoma City area. BFC of Oklahoma offers various types of fiber-optic based dedicated interstate and intrastate telecommunications services. Generally, these services can be categorized as private line (i.e., end-user to end-user) services and special access (e.g., end-user to interexchange carrier) services. These dedicated services are offered at the DS 0, DS 1, and DS 3 transmission levels. Currently BFC has eleven employees located on site in Oklahoma City. All employees with the exception of an administrative person have at least 3 years experience in telecommunications. In addition, BFC of Oklahoma is -- like all of the BFC operating companies -- fully supported by BFP headquarters personnel located in St. Louis, Missouri. In addition to the dedicated services which are already being offered, BFC of Oklahoma intends to offer all types of switched telecommunications services, and services that are generally considered ancillary to the provision of switched services. Most notably, this would include switched local exchange ("dialtone") service. It would also include, but not necessarily be limited to, services such as ISDN (Basic Rate and Primary Rate), Centrex, customized network features for voice services, switched access service and resold toll services. BFC plans to install a Lucent Technologies (formerly a division of AT&T) SESS digital switch to provide the services described. The installation is anticipated to begin on August 12, 1996 with a completion date of early October with services ready to be offered soon thereafter, probably sometime in November of this year. In his opinion, the Applicant possesses the managerial, technical and financial ability to provide high quality switched intrastate services in Oklahoma, and this application should be approved.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above entitled cause pursuant to Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. (1995) Section 131 *et seq.*, and OAC 165:55. Further, the Commission finds that Brooks has complied with the notice requirements, including Notice by Publication, prescribed by 17 O.S. Sections 132 and 133 and by the Commission in Order No. 401723. The Commission further finds that the Application and pre-filed testimony,

along with all Attachments, and Amendments should be admitted into the record. Further, the Commission finds that judicial notice should be taken of Brooks' past and current operations in Oklahoma. The Commission finds that based on the evidence presented, Brooks' officers and management personnel have experience and managerial skills in the telecommunication business and therefore possesses that technical, managerial and financial resources to provide local exchange telecommunication services in the State of Oklahoma. Further, the Commission finds that no objections to Brooks' application have been filed with the Commission. The Commission further finds the granting of this application to be in the public interest. Therefore, the Commission finds that Brooks' Application should be granted and that Brooks should be granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunication services in the State of Oklahoma, limited to the exchanges served by SWBT. Further, the Commission finds that Brooks has at least One Million Dollars (\$1,000,000) in assets in the State of Oklahoma and therefore should not be required to post a surety bond nor a line of credit.

Further, the Commission finds that ninety (90) days prior to Brooks' proposed implementation date, Brooks should submit its initial proposed tariffs and service territory designations to Staff for review. Staff should have sixty (60) days from the date Brooks submits its proposed tariff to Staff to review the proposed tariffs and advise Brooks of any dispute associated with the proposed initial tariffs. If a dispute does exit, Staff may without notice and hearing seek a Commission order suspending the tariff at least thirty (30) days prior to Brooks' proposed effective date. Further, Staff should advise Brooks within sixty (60) days of receipt of the initial proposed service territory designations, of any concerns Staff may have with the proposed service territory. If the parties are unable to resolve the dispute, any party may file a proceeding with the Commission. Brooks should file its proposed tariff and service territory designations with the Commission Court Clerk office at least sixty (60) days prior to the proposed effective date. Brooks shall deliver copies of its proposed tariff and service territory designation to all intervenors sixty (60) days prior to its proposed effective date. All parties shall have thirty (30) days from the date of Brooks' filing to object to its proposed filing. All substantial revisions to Brooks' proposed tariffs and service territory

designations should be made within thirty-five (35) days of the filing of the tariffs with the Commission's Court Clerk's office. Staff and intervenors should have five (5) days to object to any proposed substantial tariff or service territory modification. Subsequent local exchange tariffs and service territory designations should be filed and processed as provided for in the rules of the Commission, OAC 165:55, in effect at the time of filing.

**ORDER**

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that the Application of Brooks Fiber Communications of Oklahoma, Inc., for a Certificate of Public Convenience and Necessity to provide local exchange telecommunication services in the State of Oklahoma within the Southwestern Bell Telephone Company local exchange areas is hereby approved.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that Brooks shall submit its proposed local exchange service tariffs and proposed service territory designation to Staff at least ninety (90) days prior to the proposed effective date. Staff shall advise Brooks of any concerns it may have regarding the proposed tariffs and service territory designation within sixty (60) days of receipt. All substantial revisions to the tariffs and/or service territory designations shall be made within thirty-five (35) days of the initial filing of the tariffs and service territory designation with the Court Clerk's Office. If Staff, Brooks and/or any intervenor are unable to resolve a dispute with the tariffs, Staff or an intervenor may request that the tariffs be suspended. If Staff and Brooks are unable to resolve a dispute regarding the service territory designation, either party may file a proceeding with the Commission seeking resolution of the issue.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that Brooks shall file a copy of its proposed tariffs and service territory designation in the Commission's Court Clerk's Office at least sixty (60) days prior to Brooks' proposed effective date. Brooks shall also deliver a copy of its proposed tariffs and service territory designation to all intervenors at least sixty (60) days prior to Brooks' proposed effective date. Staff and intervenors shall have thirty (30) days to object to the filing and five (5) days to object to any

substantial tariff or service territory designation revisions. Further, any subsequent tariff and/or service territory designation changes shall be filed by Brooks and processed in accordance with the rules in effect at the time of the filing.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that all of the findings of the Commission are hereby adopted.

CORPORATION COMMISSION OF OKLAHOMA

Cody L. Graves  
CODY L. GRAVES, CHAIRMAN

Bob Anthony  
BOB ANTHONY, VICE-CHAIRMAN

Ed Apple  
ED APPLE, COMMISSIONER

DONE AND PERFORMED this 28th day of August, 1996.

BY ORDER OF THE COMMISSION:

Charlotte W. Flanagan  
Charlotte W. Flanagan, Commission Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing Findings, Conclusions and Order are the Report and Recommendation of the Administrative Law Judge.

Robert E. Goldfield  
Robert E. Goldfield  
Administrative Law Judge

August 23, 1996  
Date

**COMPETITIVE  
GENERAL EXCHANGE CARRIER  
SERVICES  
OF  
BROOKS FIBER COMMUNICATIONS  
OF OKLAHOMA, INC.**

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ISSUED: August 8, 1996

EFFECTIVE: October 8, 1996

By: D. Craig Young, President  
425 Woods Mill Road, Ste. 300  
Town & Country, MO 63017



## LOCAL EXCHANGE TARIFF

## CHECK SHEET

All Pages included in this tariff are effective as of the date shown.

<u>Page</u>	<u>Revision</u>	<u>Page</u>	<u>Revision</u>	<u>Page</u>	<u>Revision</u>
Title Page	Original	2.26	Original	8.3	Original
Sheet 1	Original	2.27	Original	9.1	Original
Sheet 2	Original	2.28	Original	9.2	Original
Sheet 3	Original	2.29	Original	9.3	Original
Sheet 4	Original	2.30	Original	10.1	Original
Sheet 5	Original	2.31	Original	10.2	Original
1.1	Original	2.32	Original	10.3	Original
1.2	Original	2.33	Original	10.4	Original
1.3	Original	2.34	Original	10.5	Original
1.4	Original	2.35	Original	10.6	Original
1.5	Original	3.1	Original	10.7	Original
2.1	Original	3.2	Original	10.8	Original
2.2	Original	3.3	Original	10.9	Original
2.3	Original	3.4	Original	10.10	Original
2.4	Original	3.5	Original	10.11	Original
2.5	Original	4.1	Original	10.12	Original
2.6	Original	4.2	Original	10.13	Original
2.7	Original	4.3	Original	10.14	Original
2.8	Original	5.1	Original	10.15	Original
2.9	Original	5.2	Original	10.16	Original
2.10	Original	5.3	Original	11.1	Original
2.11	Original	5.4	Original	11.2	Original
2.12	Original	5.5	Original	11.3	Original
2.13	Original	5.6	Original	12.1	Original
2.14	Original	5.7	Original	12.2	Original
2.15	Original	5.8	Original	12.3	Original
2.16	Original	6.1	Original	12.4	Original
2.17	Original	6.2	Original	12.5	Original
2.18	Original	6.3	Original	13.1	Original
2.19	Original	6.4	Original	13.2	Original
2.20	Original	7.1	Original	13.3	Original
2.21	Original	7.2	Original	13.4	Original
2.22	Original	7.3	Original	14.1	Original
2.23	Original	7.4	Original	14.2	Original
2.24	Original	8.1	Original	14.3	Original
2.25	Original	8.2	Original	14.4	Original

ISSUED: August 8, 1996

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